

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2008-106594-001 DT

09/03/2013

HON. SHERRY K. STEPHENS

CLERK OF THE COURT
C. McCain
Deputy

STATE OF ARIZONA

SUSIE CHARBEL

v.

JOHN C STUART (001)

RICK POSTER

APO-CCC
APO-PLEAS-CCC

TRIAL MINUTE ENTRY
DAY 29

Courtroom SCT5C

State's Attorney:	Susie Charbel
Defendant's Attorney:	Rick Poster
Defendant:	Present

Court Reporter, Mike Babicky, is present.

A record of the proceeding is also made by audio and/or videotape.

10:30 a.m. Trial to Jury continues from 08/28/2013.

The jury is present and resumes deliberations.

1:52 p.m. The Jury informs the Court they have reached a verdict.

3:15 p.m. Court convenes with Defendant and respective Counsel present.

Court Reporter, Mike Babicky, is present.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2008-106594-001 DT

09/03/2013

The Jury is all present in the jury box and by their Foreperson returns into Court their verdicts, which are read and recorded by the Clerk and are as follows:

We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find the Defendant as to Count 1: Second Degree Murder:

XX Guilty

Signed,
Foreperson

We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find the Defendant as to Count 2: Drive by Shooting:

XX Guilty

Signed,
Foreperson

The jury is polled at the request of Counsel for the Defense. Each juror replies that these are his/her true verdicts.

The Jury is read the Dangerous Offense instruction and return to the jury room to deliberate.

IT IS ORDERED setting Sentencing on 10/24/2013 at 1:30 p.m. in this division.

IT IS ORDERED the Adult Probation Department shall prepare a Presentence Report, and that Defendant shall report to the Adult Probation Department if not in custody.

3:28 p.m. The Jury is all present in the jury box and by their Foreperson returns into Court their verdicts, which are read and recorded by the Clerk and are as follows:

We, the Jury, having found the Defendant guilty of Second Degree Murder further find the offense:

XX Dangerous

Signed,

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2008-106594-001 DT

09/03/2013

Foreperson

We, the Jury, having found the Defendant guilty of Drive by Shooting further find the offense:

 XX Dangerous

Signed,
Foreperson

The jury is polled at the request of Counsel for the Defense. Each juror replies that these are his/her true verdicts.

The Jury is read the Aggravating Factors Jury Instructions.

Counsel present argument to the Jury.

3:42 p.m. The Jury returns to the jury room to deliberate.

4:13 p.m. Court convenes with Defendant and respective Counsel present.

Court Reporter, Mike Babicky, is present.

The Jury is all present in the jury box and by their Foreperson returns into Court their verdicts, which are read and recorded by the Clerk and are as follows:

As to Count 1: Second Degree Murder

We, the jury, duly empanelled and sworn in the above-entitled cause, do upon our oaths unanimously find beyond a reasonable doubt the following aggravating circumstance(s) as checked below:

PROVEN	NOT PROVEN	UNABLE TO REACH A UNANIMOUS DECISION	AGGRAVATING CIRCUMSTANCE(S)
XX			The offense(s) involved the infliction or threatened infliction of serious physical injury.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2008-106594-001 DT

09/03/2013

XX			The offense(s) involved the use, threatened use or possession of a deadly weapon or dangerous instrument during the commission of the crime, specifically Glock handgun model #23.
XX			The offense(s) caused physical, emotional or financial harm to the victim or, if the victim died as a result of the conduct of the defendant, cause emotional or financial harm to the victim's immediate family.

Signed,
Foreperson

As to Count 2; Drive By Shooting:

We, the jury, duly empanelled and sworn in the above-entitled cause, do upon our oaths unanimously find beyond a reasonable doubt the following aggravating circumstance(s) as checked below:

PROVEN	NOT PROVEN	UNABLE TO REACH A UNANIMOUS DECISION	AGGRAVATING CIRCUMSTANCE(S)
XX			The offense(s) involved the infliction or threatened infliction of serious physical injury.
XX			The offense(s) involved the use, threatened use or possession of a deadly weapon or dangerous instrument during the commission of the crime, specifically Glock handgun model #23.
XX			The offense(s) caused physical, emotional or financial harm to the victim or, if the victim died as a result of the conduct of the defendant, cause emotional or financial harm to the victim's immediate family.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2008-106594-001 DT

09/03/2013

Signed,
Foreperson

The jury is polled at the request of Counsel for the Defense. Each juror replies that these are his/her true verdicts.

The Jury is excused from further consideration of this cause.

IT IS ORDERED releasing all exhibits not entered in evidence to respective Counsel.

ISSUED: Exhibit Release

FILED: Exhibit Worksheet, Trial Worksheet, Jury Instructions, Verdict Forms

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.